

**Remarks/Arguments**

In the Final Office Action dated October 30, 2008, it is noted that claims 1-21 are pending and that claims 1-21 stand rejected under 35 U.S.C. §103.

By this response, claim 1 has been amended in order to clarify an aspect of the subject matter defined therein. No new matter has been added.

In view of the amendments above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. Entry of this amendment and reconsideration of the present application are respectfully requested.

***Cited Art***

The references cited and applied against the claims in the present Office Action are listed below as follows: U.S. Patent 6,847,778 to Vallone et al. (hereinafter "Vallone"); and U.S. Patent 6,360,053 to Wood et al. (hereinafter "Wood")

***Rejection of Claims 1-21 under 35 U.S.C. §103***

Claims 1-21 stand rejected under 35 U.S.C. §103 as being unpatentable over Vallone in view of Wood. This rejection is respectfully traversed.

Claims 1 and 21 are independent claims. Claims 2-20 depend, either directly or indirectly, from independent base claim 1. The dependent claims include all the limitations of their respective independent base claims.

Claim 1 calls for:

*A video playback apparatus having means to invoke a replay function and a reverse function separately upon receipt of a first signal, wherein said replay function is activated in response to said first signal exhibiting a first duration of time and wherein said reverse function is activated in response to said first signal exhibiting a second duration of time different from said first duration, and means to invoke a skip function and a forward function separately upon receipt of a second signal different from the first signal, wherein said skip function is activated in response to said second signal exhibiting a third duration of time and wherein said forward function is activated in response to said second signal exhibiting a fourth duration of time different from said third duration.*

According to claim 1, there exists a means for invoking two functions separately based on the duration of a received first signal and there exists another means for invoking two other functions based on the duration of a received second signal. One means invokes

and activates the replay function and the reverse function separately, based on the duration of a received first signal. The other means invokes and activates the skip function and the forward function separately, based on the duration of a received second signal. That is, one means can invoke the replay function when the first signal has a first time duration and that same means can also invoke the reverse function when the first signal has a second time duration different from the first time duration. In addition, the other means can invoke the skip function when the second signal has a third time duration and that same (other) means can also invoke the forward function when the second signal has a fourth time duration different from the third time duration.

The claim makes it clear that different functions are separately invocable from the same means and that it is the duration of the respective received signal that determines which function is invoked by the particular means. There is no alternative language present and there is no language which expressly or implicitly suggests an "either or" type of configuration. Both functions for a particular means must be separately invocable and activated in response to the duration of a specific received signal.

The specification is replete with support that there is a means for which at least two different functions can be separately activated in response to a received signal: one function is activated when the received signal has a first duration and the other function is activated when the received signal has a duration different from the first duration. Both functions are separately invocable by the received signal, wherein activation of the function is determined by the duration of the received signal. Claim 21 provides further support that the functions are separately invoked and activated.

Vallone does not teach, show, or suggest the elements relied on in the present Office Action. In this Office Action, it is stated that,

*"Vallone discloses a video playback apparatus (Col. 7 line 10-16) having means to invoke one of a replay function and reverse functions upon receipt of a first signal, and means to invoke one of a skip function and a forward function upon receipt of a second signal different from the first signal (Fig. 9, Col. 10 line 4-19)."*

As discussed below, the reliance on the cited sections of Vallone is misplaced.

The cited section from col. 7 of Vallone discusses the functionality of parser 705 which include playback and special effects such as fast forward, reverse, play, pause, fast/slow play, indexing, and fast/slow reverse play. See Vallone at col. 7, lines 14-16.

The cited section from col. 10 of Vallone discusses a remote control that “may also have a fast forward key”. There is no suggestion that this key has anything to do with different functions being invoked or activated. It provides the singular function of fast forwarding. Vallone simply discusses how the depression of the “fast forward key” causes a forward movement by transform 902 across two buffers. Vallone goes on to state at the end of the cited section that the “same method works for fast reverse in that the transform 902 moves the current pointer 920 backwards.” There are no teachings that the two functions, namely, fast forward and fast reverse, are separately invoked and activated by the same signal having different durations.

In cols. 19 and 20, Vallone describes the individual functions that can be initiated by buttons on the remote control 1401 in Figure 14. No button on the remote control 1401 of Vallone is used for more than one function. Each function on Vallone's remote control is initiated by its own respective button. As such, Vallone must use a different signal to initiate each different function from the remote. Vallone lacks any teaching, showing, or suggestion that the same received signal could be used to invoke and initiate separately a function such as replay and a function such as reverse based on the duration of that received signal. Vallone appears to emit a different signal from his remote for each different button on the remote. There is no teaching in Vallone that would lead one to believe otherwise.

In addition to this deficiency in Vallone, it is admitted on page 4 of the present Office Action that, *“Vallone fails to disclose wherein replay function is activated in response to first signal exhibiting a first duration of time and wherein reverse function is activated in response to first signal exhibiting a second duration of time different from first duration and wherein skip function is activated in response to second signal exhibiting a third duration of time and wherein forward function is activated in response to second signal exhibiting a fourth duration of time different from third duration.”* In order to cure this additional deficiency in Vallone, Wood was combined with Vallone. But this combination still fails to teach, show, or suggest all the elements in the claim.

Wood appears to disclose a method and apparatus for making temporal movements through recorded media. In cols. 3 and 4 of his specification, Wood suggests that the rate of fast forwarding can be increased by depressing and holding

the fast forward button for a longer period of time. The longer the time that the button is depressed translates into a greater increase for the fast forwarding speed or rate. Wood discusses the similar operation for the rewind button and for the playback or play button.

In an alternative embodiment, Wood suggests that, by depressing and holding yet another button on the remote, it is possible to jump more or less of a temporal distance (e.g., a jump of 5 sec. or 30 sec.) on the recorded medium. From the disclosure in col. 4, Wood seems to indicate that one button is dedicated to forward temporal distance movements (i.e., fast forwarding) while another different button would be dedicated to reverse temporal distance movements (i.e., fast reversing).

But changing speed of a forward or a reverse operation by holding down a button on the remote control in Wood is not equivalent or even suggestive of invoking two different functions separately with the same signal based on the duration of that signal. Wood is merely modifying a parameter of the same function. That is, when Wood is perform a speed change, the function, whether a fast forward function or a fast reverse function, is still the same, only its speed has been changed. The button on Wood's remote control is still a single function button: a fast forward button in one case and a fast reverse button in the other case. Nowhere does Wood suggest that multiple functions could be invoked using the same signal wherein the invoked function is related to the duration of the received signal. Thus, Wood does not cure the admitted deficiency in Vallone and the combination of Wood and Vallone does not teach, show, or suggest all the limitations in claim 1.

For the reasons set forth above, it is believed that claim 1 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Vallone and Wood, either separately or in combination. Therefore, it is submitted that claims 1-20 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Claim 21 is a method claim including limitations similar in nature to those discussed above with respect to claim 1. Claim 21 calls for invoking a skip function and a plurality of fast forward functions at different speeds by a received first signal. As the duration of the received first signal increases past certain defined thresholds, the invoked and activated function changes from skip to fast forward and then from lower to

higher fast forward speeds. None the less, two different functions are invoked separately by the very same first signal based on the duration of that signal.

Claim 21 also calls for invoking a replay function and a plurality of reverse functions at different speeds by a received second signal. As the duration of the received second signal increases past certain defined thresholds, the function changes from replay to reverse and then from lower to higher reverse speeds. As with the case of the skip and forward functions, two different functions are invoked separately by the very same second signal based on the duration of that signal.

Neither Wood nor Vallone teach or suggest that multiple functions and rate changes for one of those functions can be invoked by using the same received signal, wherein the duration of the received signal is used to determine the particular function and/or rate being invoked.

For the reasons set forth directly above and with respect to claim 1, it is believed that claim 21 would not have been obvious to a person of ordinary skill in the art upon a reading of Vallone and Wood, either separately or in combination. Therefore, it is submitted that claim 21 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

### ***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration of the application, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge

any shortages and credit any overcharges of any fees required for this submission to  
Deposit Account No. 07-0832.

Respectfully submitted,

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December 26, 2008